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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth L. Arrington, et al.



Serial No. 10/582,823

Filed: June 14, 2006

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).


2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By  Date 2/5/07  
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**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: David A. Muthard

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

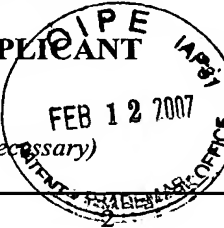
Patent Dept., RY60-30

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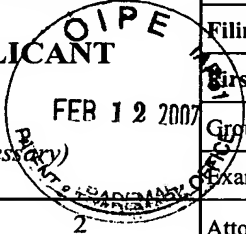
Date: February 5, 2007

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>COMPLETE IF KNOWN</b>	
			Application Number	10/582,823
			Filing Date	June 14, 2006
			First Named Inventor	Kenneth L. Arrington
			Group Art Unit	To be determined
			Examiner Name	To be determined
Sheet	1	of	Attorney Docket Number 21439YP	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		6,545,004		Finer, et al.	04/08/2003
		3,463,778		Yale, et al.	08/26/1969
		3,558,610		Breuer, et al.	01/26/1971
		4,908,448		Aldag, et al.	03/13/1990
		5,948,775		Koko, et al.	09/07/1999
		3,231,572		Hayao, et al.	01/25/1965
		3,257,397		Bolger, et al.	06/21/1966
		2004/0116438		Lu, et al.	06/17/2004
		5,925,642		Ulrich	07/20/1999

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 03/062209		Neurogen Corporation	07/31/2003
		PCT	WO 01/30768		Cytokinetics, Inc.	05/03/2001
		PCT	WO 02/83143		Tularik, Inc.	10/24/2002
		PCT	WO 01/19800		Curis, Inc.	03/22/2001
		PCT	WO 04/039774		Merck & Co., Inc.	05/13/2004
		PCT	WO 03/103575		Cytokinetics, Inc.	12/18/2003
		PCT	WO 2004/075863		Tularik, Inc.	09/10/2004

Examiner Signature	Date Considered
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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>COMPLETE IF KNOWN</b>		
			Application Number	10/582,823	
			Filing Date	June 14, 2006	
			First Named Inventor	Kenneth L. Arrington	
			Group Art Unit	To be determined	
			Examiner Name	To be determined	
Sheet	2	of	2	Attorney Docket Number	21439YP

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication..
		Wagner, E., Acta Poloniae Pharmaceutica, Vol. 51 (4-5), pgs. 359-363 (1994)
		Bayoumy, B.E., et al. Polish Journal of Chemistry, Vol. 65 (7), pgs. 1265-1270 (1991)
		Duhl, D.M., et al., Current Opinion in Drug Discovery & Development, Vol. 8, No. 4, pgs. 431-36 (2005)
		Coleman, P.J., et al, Expert Opin. Ther. Patents, Vol. 14, No. 12, pgs. 1659-67 (2004)

Examiner Signature		Date Considered	
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